

VZCZCXRO9488  
PP RUEHROV  
DE RUEHNR #1101/01 1541435  
ZNY CCCCC ZZH  
P 031435Z JUN 09  
FM AMEMBASSY NAIROBI  
TO RUEHC/SECSTATE WASHDC PRIORITY 9703  
INFO RUCNIAD/IGAD COLLECTIVE  
RUEHLO/AMEMBASSY LONDON 3203  
RUEHFR/AMEMBASSY PARIS 3073  
RUEHRO/AMEMBASSY ROME 5481

C O N F I D E N T I A L SECTION 01 OF 04 NAIROBI 001101

SIPDIS

FOR A/S CARSON AND NSC SENIOR DIRECTOR GAVIN FROM THE  
AMBASSADOR. LONDON, PARIS, ROME FOR AFRICA WATCHERS

E.O. 12958: DECL: 06/03/2039  
TAGS: [KDEM](#) [PGOV](#) [PREL](#) [KE](#) [PINR](#)  
SUBJECT: KENYA: THE DYNAMICS OF CHANGE

Classified By: AMBASSADOR MICHAEL E. RANNEBERGER FOR REASONS 1.4 (B) AND (D)

1. (C) Summary. Kenya is poised at an historic transition point as the struggle between pro and anti-reform elements intensifies. This message discusses the dynamics of change underway in Kenya and its emerging, potentially positive, impact in exerting pressure on the leaders of the coalition government and political class to implement the reform agenda. The proliferation of grassroots youth groups throughout the country, and their efforts to coalesce a national platform to push for reform across ethnic lines, is particularly important and positive. We are encouraging and supporting these youth groups, and we are continuing to engage intensively with civil society, religious groups, the private sector, and the media. We are engaging intensively with the coalition leaders and key actors of the political class. Combined and complementary domestic-driven and international pressure (particularly from the U.S. and Kofi Annan) is the most viable and promising approach to bring about implementation of the reform agenda. Kibaki, Odinga, and other key politicians demonstrated during the crisis last year that they will compromise on important issues in response to substantial pressure. Domestic-driven pressure and U.S. efforts are having a noticeable impact on the political class, as they scurry about to determine how best to respond to it (and hopefully get on the winning side of popular demands for reform implementation). We should maintain high-level pressure through public and private diplomacy, making clear the consequences of not proceeding with reforms while at the same time holding out incentives if the reform agenda is implemented. The May visit of A/S Carson and NSC Africa Senior Director Gavin greatly reinforced U.S. efforts, particularly through the message delivered regarding President Obama's concerns about lack of progress on the reform agenda. This message discusses the current state of play and follow-up. End summary.

-----  
Dynamics of Change  
-----

2. (C) Kenya is poised at a key transition point as the struggle between pro- and anti-reform elements intensifies. As previous reporting has spelled out, an agenda for sweeping reform was adopted as part of the accord that established the coalition government. At that time we and other observers had few illusions that the coalition partners were truly committed to a maximum effort on actual reforms. Full implementation of the reform agenda would bring about fundamental change in Kenya, threatening the vested interests and culture of impunity which have prevailed in Kenya for five decades. However, in reaching the accord last year, the coalition partners, President Kibaki and Prime Minister Odinga, demonstrated that they will compromise on key issues

if they are subjected to substantial pressure. At important stages of the crisis, they overruled key hard-line advisers to reach a solution. While international pressure, particularly from the U.S. and the African Eminent Persons led by Kofi Annan, was crucial to bring about a political solution, the most important source of pressure came from the Kenyan people directly and through civil society, the private sector, religious groups, and the media. Domestic-driven pressure and international efforts were complementary and mutually reinforcing.

13. (C) Establishment of the coalition government and its stated commitment to a sweeping reform agenda was only the first step in resolving the post-election crisis; implementation of the reform agenda is the second crucial step. If the reform agenda is not implemented in substantial part, Kenya will likely experience even greater instability than it did last year, and perhaps well before the 2012 elections. The Kenyan people had high expectations for the coalition government and for implementation of reforms. Although in a speech a couple of months ago, Prime Minister Odinga stated that the coalition government is more about continuity than about change,<sup>8</sup> most Kenyans hold the opposite view and expect serious change to address the underlying issues which contributed to the post-election violence.

14. (C) Reconstituting the same dynamic which led to a political solution last year (essential though difficult in a context that lacks the same sense of dramatic crisis) is the most viable, and promising, approach to bring about implementation of the reform agenda. This means coupling

NAIROBI 00001101 002 OF 004

domestic-driven pressure for reform with international pressure (and incentives), particularly by the U.S. and through Kofi Annan's continuing engagement. The EU remains largely on the sidelines. In the lead-up to the December 2007 elections the EU and UK were widely perceived as pro-Odinga, and in the early stages of the post-election crisis they declared Kibaki illegitimate. The UK has been working hard to overcome the lingering perception of partisanship. PM Gordon Brown's letter to Kibaki and Odinga, which arrived just a few days after Secretary Clinton's, reinforced the message on reforms, and the UK Ambassador told me that Foreign Secretary Miliband will visit Kenya in mid-July to keep the pressure on.

15. (C) We have been working hard to encourage and support domestic-driven pressure for change. The May visit of A/S Carson and NSC Africa Senior Director Gavin greatly reinforced these efforts. The clear message they delivered from President Obama on the need to carry out reforms and the marker that we will not do business as usual with those who do not support reform cannot have been misunderstood by Kibaki, Odinga, and the rest of the political class; it resonated loudly in the media and with the Kenyan people; and it escalated our efforts to a new level. Prior to the visit we had been conveying messages about the concerns in Washington, and the visit left Kibaki and Odinga in no doubt as to our seriousness about the reform agenda. At the same that we are carrying out vigorous public diplomacy, we are also reaching out intensively to the coalition leadership and an array of other key actors to urge implementation of the reform agenda.

16. (C) The efforts we have been making since the signing of the coalition accord to encourage and support domestic-driven pressure for reform and the impact of the high-level visit have increasingly energized civil society, religious groups, the private sector, and the media to press for implementation of reforms. In the absence of an obvious crisis, it is hard to develop the type of concerted approach that we saw last year. However, while these groups remain more fragmented and divided than they were during the crisis, the pressure they are exerting on the coalition leadership, parliamentarians,

and the rest of the political class is starting to be felt.

-----  
Grassroots Youth Movements  
-----

17. (C) Independent grassroots youth groups are proliferating across the country. Some of these were started in recent years and some are new, but they are all operating with a sense of urgency to push the reform agenda. We have been encouraging them with high profile support. As we do so and as we continue our public diplomacy, we are citing the speech which then-Senator Obama delivered in Kenya in August 2006 (which literally could have been written yesterday given its relevant language on the need for reform). The Office of Transition Initiatives is helping some groups. I have participated in several public fora organized by these groups, which have received extensive media coverage. The most prominent are the Nyanza Youth Coalition, Rift Valley Dialogue and Citizens Assembly, and Kikuyus for Change. With our encouragement, these groups recently pulled together 100 leaders of similar youth groups representing 28 different ethnic groups to forge an agenda across ethnic lines to press for implementation of the reform agenda and to promote reconciliation. Similarly, USAID has greatly expanded support to civil society organizations with an emphasis on coalitions representing networks of women, youth, and religious groups. These organizations have national grassroots coverage. Civil society organizations, including our partners, are focusing on pushing hard for implementation of the reform agenda through more unified strategies. Our engagement with these groups has helped raise their profile to the Kenyan people and coalition leaders. The numerous grassroots organizations are becoming aware of each other, activities and working more closely together in part as a result of our engagement. This is having a synergistic impact in facilitating networking among them, and is helping forge a national approach across ethnic lines.

18. (C) The increasing combined and complementary international pressure (particularly the U.S. and Kofi Annan) and domestic pressure is beginning to have a noticeable impact, causing the coalition leadership and political class to take notice and figure out how to respond to it. While this falls short of bringing about implementation of the

NAIROBI 00001101 003 OF 004

reforms, it has caused concern and ferment within the coalition leadership and political class as they try to figure out how to respond to it. Some indications that the pressure is being felt include: Kibaki's Party of National Unity has in recent weeks prominently recast its image as &the party of reform;8 new Minister of Justice Mutula Kilonzo is talking ever more earnestly about reform, particularly of the judiciary; a group of parliamentarians is moving to organize a reform and reconciliation caucus; at the Madaraka day anniversary June 1, Kibaki and Odinga put on a show of unity and spoke in the most direct terms yet about the need for reform, with Kibaki for the first time talking directly about the need to end the &culture of impunity;8 and, incredibly, the President's son Jimmy Kibaki (himself a part of the vested interests) has publicly called for mobilization of youth to bring about change. While it is extremely doubtful that the PNU leadership and Jimmy Kibaki desire anything close to fundamental change, they at least see the need to appear to be on the right side of the issue. In Jimmy Kibaki's case, there is reportedly a more sinister motive to try and co-opt the emerging grassroots youth movement as a vehicle for his political ambitions.

19. (C) Parliamentarians are reacting in two very different ways to the domestic-driven and international pressure, and in particular to the youth movement. A few parliamentarians have criticized the U.S. role in reaching out to the youth groups, but a significant number of parliamentarians are talking (as noted above) about organizing an informal group

to press for implementation of the reform agenda. We are reaching out to these parliamentarians, as well as others who can be influenced to take a pro-reform direction.

¶10. (C) We are continuing intensive engagement with civil society, religious groups, the private sector, and the media to urge a concerted effort to press for implementation of the reform agenda. The emergence of the grassroots youth movement is potentially quite significant because it directly challenges the status quo, and thus the vested interests and culture of impunity. Indeed, some well-known representatives of the vested interests have literally tried to co-opt the youth movements through bribery, as they have successfully done with some civil society elements in the past. The grassroots youth organizations are aware of this and are determined not to be compromised.

-----  
Reforms ) Focus on Results  
-----

¶11. (C) While the reform agenda is extensive, our focus is on the following steps that can yield near-term results. First, we are urging acceleration of the constitutional review process to produce a draft with meaningful reforms (particularly on executive power-sharing and devolution of authority to local levels) can be tabled in Parliament before the end of the year. Second, we are pressing for the establishment within the next 2-3 months of a Special Tribunal to hold accountable those involved in perpetrating post-election violence, and we are encouraging dialogue among the government, Parliamentarians, and civil society to work out acceptable legislation to accomplish this. Third, we are engaging with the new Interim Electoral Commission to offer material support and to ensure that it lays the groundwork for establishment of a permanent independent electoral commission. Fourth, we are pressing hard for police and judicial reform. The Task Force on Police Reform recently set up by the government may be more credible than initially thought; it is headed by a reputable former judge. We are working to respond to the Task Force's request for international expertise, all with a view to enabling the Task Force to finish its work as scheduled by the end of July (septel reports in more detail on police reform). We are also working on an array of other reform issues, including land reform.

-----  
U.S. Policy and Steps  
-----

¶12. (C) Continued intensive U.S. high-level engagement through private and public diplomacy will support and amplify the dynamic of change that is being felt. Visits and calls by senior officials will be helpful, but we should also think of other ways to exert pressure. One of the steps that had the most constructive impact during the crisis last year was the sending of letters to more than a dozen politicians on

NAIROBI 00001101 004 OF 004

both sides warning them that their relationships with us (and thus their visas) were in jeopardy unless they ceased support for violence and supported a political solution. We know those letters influenced constructive changes in behavior in a number of cases. Something along those lines making clear that we will not do business as usual with those in the political class who do not support implementation of the reform agenda would be timely now. Coupling that with actually issuing visa bans against a couple of high profile figures would have a significant impact in support of reforms.

¶13. (C) Even modest additional funding to support grassroots youth movements as well as civil society organizations would have a significant impact in propelling change. Programs to engage the political class, such as the Wilson Center,s

leadership program, may also be helpful.

¶14. (C) We should, of course, consider incentives to the political leadership if they implement the reform agenda. We have, for example, pointed out that the AGOA forum and the approach the U.S. takes at it will be more positive for Kenya if some significant reform has been carried out before it takes place. Holding out the possibility of visits ) if substantial reforms are carried out ) is another incentive.

¶15. (C) In short, we need to engage across the board to push the dynamics of change. Since over 90 percent of the Kenyan people see the U.S. and its role in Kenya positively, there is no downside to doing this. In fact, Kenyans look to the U.S. to exert leadership and to maintain pressure on political leaders to act on reforms. We continue to receive constant and extensive feedback from ordinary Kenyans and responsible actors across Kenyan civil society and politics thanking us for our efforts and urging that we continue them. And clearly the political leadership will not move ahead on real reform unless pressed hard to do so. While the change dynamic that is being felt has not yet resulted in implementation of the key reforms, it holds the promise to do so in the coming months.

RANNEBERGER